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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul M. Cosenza
Serial No. : 10/083,000
Filed : February 26, 2002
Title : DEER TICK PROTECTION DEVICE

Art Unit : 3643
Examiner : Tara M. Golba

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DECLARATION BY THE INVENTOR UNDER 37 CFR 1.131

As a below-named inventor, I hereby declare that:

1. I conceived of the inventions of claim1 and claim16, the sole independent claims of my above-captioned patent application, and of at least dependent claims 2-9, 11 and 17-22 prior to December 4, 2000, which is the effective filing date the cited reference, Arber U.S. Patent No. 6,353,939, and I was diligent in reducing and/or in constructively reducing these inventions to practice, including by filing U.S. Provisional Patent Application No. 60/274,325, from which the present application claims benefit, on March 8, 2001.

2. The invention of claim 1, as amended, is directed to a protection device for use during outside activities for protection of a wearer against crawling insects such as deer ticks carrying Lyme Disease. The protection device consists generally of a set of protection elements. Each protection element in the set consists of an elongate substrate having an inner surface and an opposite outer surface, with an inner adhesive layer adhered upon the inner surface of the substrate and defining an adhesive surface that, upon exposure, releasably adheres the protection element upon a clothing surface in a region adjacent to a clothing opening, and an outer adhesive layer adhered upon the outer surface of the substrate and defining an adhesive surface that, upon exposure, acts to impede advancement of insects crawling upon the clothing surface into contact

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature

TIMOTHY A. FRENCH

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with the adhesive surface of the outer adhesive layer from proceeding thereacross toward a clothing opening.

3. The invention of claim 16, as amended, is directed to a method for protection against insects such as deer ticks carrying Lyme Disease crawling upon a clothing surface of a wearer toward a clothing opening, the method comprising the steps of: selecting a protection element from a set of protection elements consisting of an elongate substrate having an inner surface and an opposite outer surface, an inner adhesive layer adhered upon the inner surface of the substrate and having an adhesive surface, and an outer adhesive layer adhered upon the outer surface of the substrate and having an adhesive surface; exposing the adhesive surface of the inner adhesive layer; applying the adhesive surface of the inner adhesive layer to a clothing surface to removably attach the protection element to the clothing surface adjacent to a clothing opening; and exposing the adhesive surface of the outer adhesive layer to impede advancement of insects crawling upon the clothing surface from proceeding across the adhesive surface of the outer adhesive layer, toward the clothing opening.

4. The inventions of at least claims 1-13 and 15-22 of the above-captioned patent application are described in full in my U.S. Provisional Patent Application No. 60/274,325.

5. As recited in the accompanying supporting declaration of Michael Dowd, I disclosed the inventions of independent claim 1 and claim 16, and at least dependent claims 2-9, 11 and 17-22, to Mr. Dowd in the period of July-August 2000. During that period, Mr. Dowd was representing me as my attorney in a financial matter. In meetings with Mr. Dowd during that period, I described to him my product concept, including all of the features recited in independent claims 1 and 16, as well as in at least dependent claims 2-9, 11 and 17-22. On my behalf, Mr. Dowd conducted preliminary searching by computer for prior art relevant to my inventions. Mr. Dowd subsequently recommended that I consult with patent counsel for the purpose of protecting by inventive rights.

6. On February 13, 2001, I contacted Timothy A. French, of Fish & Richardson, to act as my patent counsel in this matter. I met with Mr. French on February 16, 2001 and described to him my inventions. At my instruction, he prepared and filed U.S. Provisional Patent Application No. 60/274,325, described my inventions of independent claims 1 and 16, and at least dependent claims 2-13, 15 and 17-22, on March 8, 2001.

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Attorney's Docket No.: 12912-002001

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I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: PAUL M. COSENZA

Inventor's signature: Paul Cosenza

Date: 9/10/03

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DECLARATION BY MICHAEL DOWD IN SUPPORT OF
INVENTOR'S DECLARATION UNDER 37 CFR 1.131

I, Michael Dowd, hereby declare that:

1. My residence is as recited below next to my signature.
2. I am an attorney admitted to practice in the Commonwealth of Massachusetts.
3. During the period of July-August 2000, I represented Paul Cosenza, the inventor for the above-captioned patent application, in a financial matter.
4. During this period of representation, Mr. Cosenza described to me his product concept for a protection device for use during outside activities for protection of a wearer against crawling insects such as deer ticks carrying Lyme Disease. The protection device consisted generally of a set of protection elements. Each protection element in the set consisted of an elongate substrate having an inner surface and an opposite outer surface, with an inner adhesive layer adhered upon the inner surface of the substrate and defining an adhesive surface that, upon exposure, releasably adhered the protection element upon a clothing surface in a region adjacent to a clothing opening, and an outer adhesive layer adhered upon the outer surface of the substrate and defining an adhesive surface that, upon exposure, acted to impede advancement of insects crawling upon the clothing surface into contact with the adhesive surface of the outer adhesive

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TIMOTHY A. FRENCH
Typed or Printed Name of Person Signing Certificate

layer from proceeding thereacross toward a clothing opening. As also described to me, a method for protection against insects such as deer ticks carrying Lyme Disease crawling upon a clothing surface of a wearer toward a clothing opening included the steps of: selecting a protection element from a set of protection elements consisting of an elongate substrate having an inner surface and an opposite outer surface, an inner adhesive layer adhered upon the inner surface of the substrate and having an adhesive surface, and an outer adhesive layer adhered upon the outer surface of the substrate and having an adhesive surface; exposing the adhesive surface of the inner adhesive layer; applying the adhesive surface of the inner adhesive layer to a clothing surface to removably attach the protection element to the clothing surface adjacent to a clothing opening; and exposing the adhesive surface of the outer adhesive layer to impede advancement of insects crawling upon the clothing surface from proceeding across the adhesive surface of the outer adhesive layer, toward the clothing opening.

5. During this period of representation, I conducted preliminary computer searching for prior art relevant to the product concept described to me by Mr. Cosenza. I subsequently advised Mr. Cosenza to seek patent counsel for the purpose of protecting his invention.

6. I have reviewed the claims attached hereto, which I understand are the claims pending in the above-captioned patent application, and, to the best of my understanding, the product concept described to me by Mr. Cosenza in July-August, 2000 included all of the features recited in the sole independent claims, claim 1 and claim 16, as well as all of the features of at least dependent claims 2-9, 11 and 17-22.

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of declarant: MICHAEL DOWD

Declarant's signature: Michael Dowd

Date: September 9, 2003

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